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**Fax transmission from:**

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From: Joe Grunkemeyer
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To: Examiner Kenneth S. Kim
Art Unit 2111
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Date: 10/22/2004

Cover Sheet + 19 Pages

Message:

RE: Patent Application No.: 09/933,786

Filed: 08/20/2001

Inventor: Sandbote

Docket No.: NC 84,832

Response to Notice of Noncompliant Amendment – 2 pages

Copy of Notice of Noncompliant Amendment – 1 page

Copy of Amendment of 09/24/2004 – 12 pages

Copy of page of Office Action of 05/24/2004 – 1 page

Amendment in Response to Notice of Noncompliant Amendment – 3 pages

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PATENT APPLICATION
Docket No.: NC 84,832

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Sandbote
Serial No.: 09/933,786
Filed: 08/20/2001
For: SHIFT PROCESSING UNIT
Examiner: Kim, Kenneth S.
Art Group Unit: 2111

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OCT 22 2004

Honorable Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

October 22, 2004

RESPONSE TO NOTICE OF NONCOMPLIANT AMENDMENT

Sir:

The attached Notice of Noncompliant Amendment was mailed on 09/29/2004, stating that the "Abstract do [sic] not include markings." In the amendment of 09/24/2004, Applicant submitted two copies of an amended abstract, one with markings and one without. A copy of the entire amendment with fax receipt is attached. The marked-up version is on page 2 of the amendment and is titled "AMENDMENTS TO THE SPECIFICATION." The abstract is on a separate sheet as there are no other amendments to the specification. The marked-up version may be seen in the image file wrapper with the document description "Specification" on 09/24/2004, and would appear to have been entered. At the Examiner's request (see attached page from the office action of 05/24/2004), a clean version of the amended abstract was also submitted on a separate sheet. This is shown in the image file wrapper as "Abstract - Amendment Not Entered" on 09/24/2004. Applicant respectfully contends that the amendment was compliant with current amendment practice, and, in the event that there is a patent term adjustment in the application, that there should be no reduction in the adjustment due to the alleged noncompliant amendment.

In the alternative, also attached is another amendment to the abstract alone, as it appears from the PAIR data that the claim amendments were entered.

CERTIFICATE OF FACSIMILE TRANSMISSION

I certify that this correspondence is being facsimile transmitted to the US Patent and Trademark Office on the date shown below.

10/22/04
Date

Joseph T. Grunkermeier
Joseph T. Grunkermeier

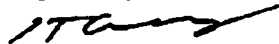
Serial No.: 09/933,786

PATENT APPLICATION

Docket No.: NC 84,832

In the event that a fee is required, please charge the fee to Deposit Account No. 50-0281,
and in the event that there is a credit due, please credit Deposit Account No. 50-0281.

Respectfully submitted,



Joseph T. Grunkemeyer

Reg. No. 46,746

Phone No. 202-404-1556

Office of the Associate Counsel

(Patents), Code 1008.2

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4555 Overlook Ave, SW

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UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 9-24-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the uncorrected section of the non-compliant amendment document must be re-submitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☒ 2. Abstract:
- ☐ A. Not presented on a separate sheet, 37 CFR 1.72.
 - ☒ B. Other Abstract do not include markings
- ☐ 3. Amendments to the drawings: _____
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pat/dmpt/ole/procenoffice/officecler.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Waletha
Legal Instruments Examiner (LIE)

703.3059633
Telephone No.

Rev. 6/04

Auto-Reply Facsimile Transmission



TO:

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Fax Information

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Received
Cover
Page

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		Fax transmission from: U.S. Naval Research Laboratory Associate Counsel Intellectual Property, Code 1008.2 4555 Overlook Avenue, SW Washington, DC 20376-5325	
From: Joe Gunkemeyer Phone: (202) 404-1556 Fax: (202) 404-7380 Date: 09/24/2004	To: Examiner Kenneth Kim Art Unit 2111 Fax: (703) 872-9305 Cover Sheet + 15 Pages		
Message RE: Patent Application No.: 09/933,786 Filed: 08/20/2001 Inventor: Sandhoo Docket No.: NC 84,832 Fee: 1,985 Provisional Extension: 1 page Amendment in Response to Non-Final Rejection: 11 pages Power of Attorney and receipt card - 2 pages			
<small>The information contained in this transmittal may be confidential, and may also be attorney privileged. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any use, disclosure, or copying of this transmission is prohibited. If you have received this transmittal in error, please notify us immediately by telephone or return mail. Thank you.</small>			

Application/Control Number: 09/933,786

Page 2

Art Unit: 2111

1. Claims 1-30 are presented for examination.
2. The abstract of the disclosure is objected to because the current abstract does not reflect the inventive feature of the claimed invention to distinguish over the prior art. Correction is required. See MPEP § 608.01(b).

All amended abstracts are to be submitted on a separate sheet (without the brackets and underlines) in addition to a mark-up copy.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- (a) Claim 1 it is not clear what is the difference between the shifted operand and shift carry operand and what is the use of the shift carry operand.
- (b) Claim 1, it is not clear what processing is done on the shifted operand.
- (c) Claim 1, it is not clear what is the origin and use of "the offset parameters."
- (d) Claims 11 and 21, the same as (a) to (c).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -